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Attorneys for Plaintiff  
9 UNITED STATES OF AMERICA

10 UNITED STATES DISTRICT COURT

11 FOR THE CENTRAL DISTRICT OF CALIFORNIA

12 UNITED STATES OF AMERICA,

13 Plaintiff,

14 v.

15 MARC JESUS LOPEZ, et al.,

16 Defendants.  
17

No. 2:23-cr-00126-FLA-2

GOVERNMENT'S OPPOSITION TO  
DEFENDANT JUAN NICHOLAS BENITEZ'S  
REQUEST FOR EVIDENTIARY HEARING

Hearing Date: October 20, 2023

Hearing Time: 10:30 a.m.

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19 Plaintiff United States of America, by and through its counsel  
20 of record, the United States Attorney for the Central District of  
21 California and Assistant United States Attorney Joseph De Leon,  
22 hereby files its Opposition to Defendant JUAN NICHOLAS BENITEZ's  
23 request for evidentiary hearing (Dkt. 97).  
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1        This Opposition is based upon the attached memorandum of points  
2 and authorities, the files and records in this case, and such further  
3 evidence and argument as the Court may permit.

4        Dated: October 18, 2023

Respectfully submitted,

5                                E. MARTIN ESTRADA  
6                                United States Attorney

7                                MACK E. JENKINS  
8                                Assistant United States Attorney  
                                 Chief, Criminal Division

9                                                              /s/ Joseph De Leon                                
10                                JOSEPH DE LEON  
                                 Assistant United States Attorney

11                                Attorneys for Plaintiff  
12                                UNITED STATES OF AMERICA  
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**MEMORANDUM OF POINTS AND AUTHORITIES**

On September 13, 2023, defendant Juan Nicholas Benitez ("defendant") filed a motion to suppress all evidence and statements. (Dkt. 78.) On September 29, 2023, the government filed its opposition. (Dkt. 90.) On October 6, 2023, defendant filed his reply. (Dkt. 94.) In defendant's reply, defendant stated that "[a]n evidentiary hearing is unnecessary as no relevant factual dispute remains." (Id. at 16.) On October 17, 2023, just three days before the hearing, defendant filed a notice of request for evidentiary hearing, claiming that "additional information ha[d] come to the attention of defense counsel." (Dkt. 97 at 2.) In addition, defendant stated that the "defense is prepared to file an in camera memorandum detailing such information if the Court so requires." (Id.)

Defendant has not "allege[d] facts with sufficient definiteness, clarity, and specificity to enable the trial court to conclude that contested issues of fact exist." United States v. Howell, 231 F.3d 615, 620 (9th Cir. 2000). Instead, defendant offers a vague and cryptic statement that literally provides no facts and no explanation as to why there are contested issues of fact. Therefore, defendant's request for an evidentiary hearing should be denied.

1 Dated: October 18, 2023

Respectfully submitted,

2 E. MARTIN ESTRADA  
United States Attorney

3 MACK E. JENKINS  
4 Assistant United States Attorney  
Chief, Criminal Division

5  
6 /s/ Joseph De Leon  
JOSEPH DE LEON  
7 Assistant United States Attorney

8 Attorneys for Plaintiff  
UNITED STATES OF AMERICA  
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